

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 51-59 and 61-63 are pending in this application. Claims 51-58 are amended and new Claims 61-63 are added by the present amendment. As amended Claims 51-58 and new Claims 61-63 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claim 58 was objected to; Claims 51 and 52 were rejected under 35 U.S.C. §103(a) as unpatentable over Parulski et al. (U.S. Patent No. 5,633,678, hereinafter "Parulski") in view of Prabhu et al. (U.S. Patent No. 7,019,778, hereinafter "Prabhu"); Claim 53 was rejected under 35 U.S.C. §103(a) as unpatentable over Parulski in view of Prabhu and further in view of Endsley et al. (U.S. Patent No. 6,005,613, hereinafter "Endsley"); Claims 54 and 55 were rejected under 35 U.S.C. §103(a) as unpatentable over Parulski in view of Prabhu and further in view of Miyata et al. (U.S. Patent Application Publication No. 20050181774, hereinafter "Miyata"); Claims 56 and 57 were rejected under 35 U.S.C. §103(a) as unpatentable over Parulski in view of Prabhu and Miyata and further in view of Kiyan et al. (U.S. Patent No. 5,970,506, hereinafter "Kiyan"). Claims 58 and 59 were indicated as containing allowable subject matter.

Applicants acknowledge with appreciation the indication that Claims 58 and 59 include allowable subject matter.

Initially, Applicants and Applicants' representatives thank Examiner Ye for the courtesy of the interview granted to Applicants' representatives on May 25, 2006. During the interview, differences between the claims and Parulski and Prabhu were discussed. Amendments were discussed to distinguish over the cited references by providing further

¹See, e.g., the specification at page 11, line 17 to page 12, line 2.

details of the image capture guide list. Examiner Ye agreed to reconsider the rejections of record after formal submission of a response.

It is respectfully noted that the references listed on the form PTO-1449 submitted with the Information Disclosure Statement filed February 23, 2004 were not initialed as considered. It is respectfully requested that a form PTO-1499 with all these references initialed be provided with the next Office Communication.

With regard to the objection to Claim 58, Claim 58 is amended to recite “a read-out cell.” Accordingly, the objection to Claim 58 is believed to be overcome.

With regard to the rejection of Claims 51 and 52 under 35 U.S.C. §103(a) as unpatentable over Parulski in view of Prabhu, that rejection is respectfully traversed.

Claim 51 recites a recording medium for storing a program executed by a computer, the program comprising, *inter alia*:

creating an image capture guide list which is displayed on a screen of a display device for said image input apparatus, and includes at least one of image titles that represent targets to be recorded and are used for shooting, wherein the creating includes,

reading out a manufacturer's model identifier from said image input apparatus connected to said computer, and
creating the image capture guide list adequate for the model, including,

inputting an image recorded by said image input apparatus based on the image capture guide list and also inputting this image capture guide list;

displaying a spreadsheet input screen consisting of a plurality of cells; and

displaying an image title in the image capture guide list in one of the cells.

(Emphasis added.)

The outstanding Office Action at page 3, lines 21-24 concedes that Parulski does not describe “the creating includes reading out a manufacturer's model identifier from said image input apparatus connected to said computer and ***creating the image capture guide list***

adequate for the model.” The outstanding Office Action then cited Prabhu as describing this element.

However, it is respectfully submitted that Prabhu does not describe the above-quoted element. Prabhu describes downloading firmware to a digital camera to upgrade the camera after it is purchased by a user.² However, Prabhu does not describe that any of the possible firmware downloads are “an image capture guide list” as defined in Claim 51. Thus, Prabhu cannot teach or suggest “creating the image capture guide list adequate for the model.” Consequently, neither Parulski nor Prabhu teach or suggest “creating the image capture guide list adequate for the model,” as recited in Claim 51. Accordingly, Claim 51 is patentable over Parulski and Prabhu.

As independent Claim 52 recites similar elements to Claim 51, Claim 52 is believed to be patentable over Parulski and Prabhu for at least the reasons described above with respect to Claim 51.

With regard to the rejection of Claim 53 under 35 U.S.C. §103(a) as unpatentable over Parulski in view of Prabhu and Endsley, that rejection is respectfully traversed.

Claim 53 recites a recording medium for storing a program executed by a computer, the program comprising, *inter alia*:

creating an image capture guide list which is displayed on a screen of a display device for said image input apparatus, and includes at least one of image titles that represent targets to be recorded and are used for shooting, wherein the creating includes,

creating the image capture guide list adequate for each model using a table in which model ability information for each model of plural image input apparatuses is registered with respect to each of a plurality of manufacturer’s model identifiers, including,

inputting an image recorded by said image input apparatus based on the image capture guide list and also inputting this image capture guide list;

²See Prabhu, column 5, line 57 to column 6, line 41.

displaying a spreadsheet input screen consisting
of a plurality of cells; and
displaying an image title in the image capture
guide list in one of the cells.

The outstanding Office Action cites Endsley as describing “creating the image capture guide list adequate for each model.”³ However, Endsley only describes setting the configuration of the camera parameters based on the model of the camera.⁴ In fact, Endsley does not describe “displaying a spreadsheet input screen consisting of a plurality of cells” or “displaying an image title in the image capture guide list in one of the cells.” Thus, Endsley does not describe the creation of *any* “image capture guide list” as defined in Claim 53. Therefore, Endsley does not teach or suggest “creating the image capture guide list adequate for each model” as recited in Claim 53. Accordingly, Claim 53 is believed to be patentable over Parulski in view of Prabhu and Endsley.

With regard to the rejection of Claims 54-57, amended Claims 54-57 depend from Claim 51. As neither Miyata nor Kiyan cure the deficiencies of Parulski and Prabhu as noted above, Claims 54-57 are believed to be patentable over the cited art for at least the reasons described above with respect to Claim 51.

New Claims 61-63 are supported at least by the specification at page 11, line 17 to page 12, line 2. As new Claims 61-63 depend from Claims 51-53 respectively, Claims 61-63 are patentable for at least the reasons described above with respect to Claims 51-53. Claims 61-63 also recite subject matter that further defines over the cited references.

Claims 61-63 recite in part, “the image capture guide list includes the manufacturer’s model identifier.” The tag names and text shown in Figure 7 of Parulski was cited as describing “an image capture guide list.” However, it is respectfully submitted that no portion of Parulski describes that a manufacturer’s model identifier is part of the tag names

³See the Outstanding Office Action at page 5, lines 12-16.

⁴See Endsley, column 7, lines 26-43 and Tables 2 and 3.

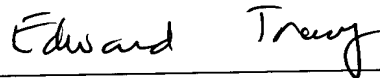
Application No. 09/821,248
Reply to Office Action of April 10, 2006

and text shown in Figure 7 of Parulski. Further, it is respectfully submitted that none of the other references teaches or suggests "an image capture guide list," much less an image capture guide list including a manufacturer's model identifier. Accordingly, as none of the cited references teaches or suggests "the image capture guide list includes the manufacturer's model identifier," Claims 61-63 further define over the cited references.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edward Tracy
Registration No. 47,998

I:\ATTY\ET\205381US\205381US.AMD7.10.06.DOC